THE SCOTS ACT OF PARLIAMENT:

OR, THE

DECLARATION of the ESTATES OF THE KINGDOM OF SCOTLAND,

Containing their

Claim of Right,

And the SETTLEMENT of the

SUCCESSION

ON

Her Majesty Queen *ANNE*;

WITH

The Coronation OATH of that Kingdom; and the Act for continuing the present Parliament upon His Majesty's death.

LONDON,
Printed for *Andrew Bell*, at the *Cross-Keys and Bible* in *Cornhill*, near *Stocks-Market*, 1702.

HIS MAJESTY'S SPEECH,

TO BOTH HOUSES OF PARLIAMENT,

ON THE OPENING OF THE SESSION,

ON THE 21st OF JANUARY, 1819.

TOGETHER WITH THE ADDRESS

OF THE

HOUSE OF LORDS

IN ANSWER TO

HIS MAJESTY'S SPEECH.

ALSO,

THE ADDRESS OF THE

HOUSE OF COMMONS

IN ANSWER TO

HIS MAJESTY'S SPEECH.

LONDON:

Printed for Andrew Bell, at the City-Press, near Bow-Church, in Cornhill, near Stocks-Market.

THE SCOTS ACT OF PARLIAMENT,

Settling the

SUCCESSION

ON

Her Majesty Queen *ANNE*.

The DECLARATION *of the* Estates *of the Kingdom of* SCOTLAND; *containing the Claim of Right, and the Offer of the Crown to Their Majesties* K. William *and* Q. Mary, *&c.*

April 11. 1689.

WHereas King *James* VII. being a profest Papist, did assume the Regal Power, and acted as King, without ever taking the Oath required by Law, whereby the King at his Access to the Government, is obliged to swear to maintain the Protestant Religion, and to rule the People according to the Laudable Laws, and did by the Advice of wicked and evil Counsellers, invade the Fundamental Constitution of this Kingdom, and altered it from a Legal limited Monarchy, to an Arbitrary Despotick Power; and in a Publick Proclamation, asser-

ted an Abſolute Power, to caſs, annul and diſable all the Laws, particularly arraigning the Laws, eſtabliſhing the Proteſtant Religion, and did exerce that Power, to the Subverſion of the Proteſtant Religion, and to the Violation of the Laws and Liberties of the Kingdom.

By erecting Publick Schools and Societies of the *Jeſuites*; and not only allowing Maſs to be publickly ſaid, but alſo inverting Proteſtant Chappels and Churches to Publick *Maſs-Houſes*, contrary to the expreſs Laws againſt Saying and Hearing of *Maſs*.

By allowing *Papiſt-Books* to be printed and diſperſed by a Gift to a *Popiſh Printer*; deſigning him Printer to his Majeſty's Houſhold, College and Chappel, contrary to the Laws.

By taking the Children of Proteſtant Noblemen and Gentlemen, ſending and keeping them abroad, to be bred *Papiſts*, making great Fonds and Dotations to *Popiſh Schools* and *Colleges* abroad; beſtowing Penſions upon Prieſts, and perverting Proteſtants from their Religion; by Offers of Places, Preferments and Penſions.

By diſarming Proteſtants, while at the ſame time he imploy'd *Papiſts*, in the Places of greateſt Truſt, Civil and Military, ſuch as Chancellor, Secretaries, Privy Counſellors, and Lords of Seſſion, thruſting out Proteſtants, to make Room for Papiſts, and entruſting the Forts and Magazines of the Kingdom in their Hands.

By impoſing Oaths contrary to Law.

By giving Gifts and Grants for exacting Money, without Conſent of *Parliament*, or Convention of *Eſtates*.

By levying or keeping on Foot a ſtanding Army in time of Peace, without Conſent of *Parliament*, which Army did exact Locality, free and dry Quarters.

By imploying the Officers of the Army, as Judges through the Kingdom, and impoſing them where there were Heretable Offices and Juriſdictions, by whom many of the Leidges were put to death ſummarily, without Legal Tryal, Jury or Record.

By impoſing exorbitant Fines, to the Value of the Parties Eſtates, exacting extravagant Bail; and diſpoſing Fines and Forefaultures before any Proceſs of Conviction.

By impriſoning Perſons, without expreſſing the Reaſon, and delaying to put them to Tryal.

By cauſing purſue and Forefault ſeveral Perſons upon Stretches of old and obſolete Laws, upon frivolous and weak Pretences, upon lame and defective Probation; as particularly the late Earl of *Argyle*, to the Scandal and Reproach of the Juſtice of the Nation.

By subverting the right of the Royal-Burghs, the third Estate of *Parliament*, imposing upon them not only Magistrates, but also the whole Town-Council, and Clerks, contrair to their Liberties, and expres Charters, without the pretence either of Sentence, Surrender, or Consent; So that the Commissioners to *Parliaments* being chosen by the Magistrats and Council, the King might in effect als well nominat that entire Estate of *Parliament*; and many of the saids Magistrats put in by him, were avowed *Papists*, and the Burghs were forced to pay Money for the Letters, imposing these illegal Magistrats and Councils upon them.

By sending Letters to the chife Court of Justice, not only ordering the Judges to stop and desist *sine die* to determine Causes; but also ordering and commanding them how to proceed, in cases depending before them, contrary to the Expres Laws; and by changing the Nature of the Judges Gifts *ad vitam aut culpam*, and giving them Commissions *ad bene placitum*, to dispose them to complyance with Arbitrary Courses, and turning them out of their Offices, when they did not comply.

By granting personal Protections for civil Debts, contrary to Law.

All which are utterly and directly contrary to the known Laws, Statutes and Freedoms of this Realm.

Therefore the Estates of the Kingdom of *Scotland*, Find and Declare, that King *James* the Seventh being a profest *Papist*, did assume the Regal Power, and Acted as King, without ever taking the Oath required by Law, and hath by the Advice of Evil and Wicked Counsellors, invaded the fundamental Constitution of the Kingdom, and altered it from a legal limitted Monarchy, to an Arbitrary Depositick Power, and hath exercised the same, to the subversion of the Protestant Religion, and the Violation of the Laws and Liberties of the Kingdom, Inverting all the Ends of Government, whereby he hath Forfaulted the Right to the Crown, and the Throne is become Vacant.

And whereas his Royal Highness, *William* then Prince of *Orange*, now King of *England*, whom it hath pleased the Almighty GOD to make the Glorious Instrument of Delivering these Kingdoms from *Popery* and Arbitrary Power, Did by the Advice of several Lords and Gentlemen of this Nation at *London* for the time, call the Estates of the Kingdom to meet the fourteenth of *March* last, in Order to such an Establishment, as that their Religion, Laws and Liberties, might not be again in Danger of being subverted; And the said Estates being now Assembled, in a full and free Representative of this Nation, taking to their most serious Consideration, the best Means for attaining the Ends aforesaid, Do, in the first place, as their Ancestors in the like cases have usually done, for the vindicating and asserting their antient Rights and Liberties, declare,

That, by the Law of this Kingdom, no Papist can be King or Queen of this Realm, nor bear any Office whatsoever therein; nor can any

Proteſtant Succeſſor exercise the Regal Power, until He or She Swear the Coronation Oath.

That all Proclamations aſſerting an abſolute Power, to Caſs, Annull, and Diſable Laws, the erecting Schools and Colleges for Jeſuits, the inverting Proteſtant Chappels and Churches to publick Maſs-Houſes, and the allowing Maſs to be ſaid, are contrary to Law.

That the allowing Popiſh Books to be Printed and Diſperſed, is contrary to Law.

That the taking the Children of Noblemen, Gentlemen and others, ſending and keeping 'em abroad to be bred Papiſts, the making of Fonds and Donations to Popiſh Schools and Colleges, the beſtowing Penſions on Prieſts, and the perverting Proteſtants from their Religion, by offers of Places, Preferments and Penſions, are contrary to Law.

That the diſarming of Proteſtants, and imploying Papiſts in the places of greateſt Truſt, both Civil and Military, the thruſting out Proteſtants, to make room for Papiſts, and the entruſting Papiſts with the Forts and Magazines of the Kingdom, are contrary to Law.

That the impoſing Oaths without Authority of Parliament, is contrary to Law.

That the giving Gifts or Grants, for raiſing of Money, without the Conſent of Parliament, or Convention of Eſtates, is contrary to Law.

That the imploying the Officers of the Army as Judges through the Kingdom or impoſing them where there were heretable Officers and Juriſdictions, and the putting the Leidges to death ſummarly without Legal Tryal, Jury or Record, are contrary to Law.

That the impoſing of extraordinary Fines, the exacting of exorbitant Bail, and the diſpoſing of Fines, and Forfaultures, before Sentence, are contrary to Law.

That the impriſoning Perſons, without expreſſing the Reaſon thereof, and delaying to put them to Tryal, is contrary to Law.

That the cauſing purſue and forfeit Perſons, upon ſtretches of old and obſolete Laws, upon frivolous and weak Pretences, upon lame and defective Probation, as particularly the late Earl of *Argyle*, are contrary to Law.

That the nominating and impoſing the Magiſtrates, Councils and Clerks upon Burghs, contrary to their Liberties and expreſs Charters, is contrary to Law.

That the ſending Letters to the Courts of Juſtice, ordaining the Judges to ſtop or deſiſt from determining Cauſes, or ordaining them how

how to proceed in Cauſes depending before them, and the changing the Nature of the Judges Gifts *ad vitam aut culpam*, into Commiſſions *durante bene placito*, are contrary to Law.

That the granting perſonal Protections for Civil Debts, is contrary to Law.

That the forcing the Leidges to depone againſt themſelves in Capital Crimes, however the Puniſhment be reſtricted, is contrary to Law.

That the uſing Torture without Evidence, or in ordinary Crimes, is contrary to Law.

That the ſending of an Army in an hoſtile manner, upon any part of the Kingdom, in a peaceable time, and exacting of Locality, and any manner of free Quarters, is contrary to Law.

That the charging of the Leidges with Law-borrows at the King's Inſtance, and the impoſing of Bonds without the Authority of Parliament, and the ſuſpending Advocates from their Employment, for not compearing when ſuch Bonds were offered, were contrary to Law.

That the putting of Gariſons in private Mens Houſes in time of Peace, without their Conſent, or the Authority of Parliament, is contrary to Law.

That the Opinions of the Lords of Seſſion in the two Caſes following, were contrary to Law, *viz.* 1. That the concealing the Demand of a Supply for a Forfaulted Perſon, altho' not given, is Treaſon. 2. That Perſons refuſing to diſcover what are their private Thoughts and Judgments, in relation to Points of Treaſon, or other Mens Actions, are guilty of Treaſon.

That the fining Husbands for their Wives withdrawing from the Church, was contrary to Law.

That Prelacy and the Superiority of any Office in the Church, above Presbyters, is, and hath been a great and inſupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People, ever ſince the Reformation (they having reformed from Popery by Presbyters) and therefore ought to be aboliſhed.

That it is the Right and Priviledges of the Subjects, to proteſt for Remeid of Law to the King and Parliament, againſt Sentences pronounced by the Lords of Seſſion, providing the ſame do not ſtop Execution of theſe Sentences.

That it is the Right of the Subjects to petition the King, and that all Impriſonments and Proſecutions for ſuch petitioning, are contrary to Law.

That

That for Redreſs of all Grievances, and for the Amending, Strengthening and Preſerving of the Laws, Parliaments ought to be frequently called and allowed to ſit, and the freedom of Speech and Debate ſecur'd to the Members.

And they do claim, demand and inſiſt upon all and ſundry the Premiſes, as their undoubted Rights and Liberties, and that no Declarations, Doings, or Proceedings, to the prejudice of the People, in any of the ſaid Premiſes, ought in any ways to be drawn hereafter, in conſequence or Example; but that all Forfeitures, Fines, loſſes of Offices, Impriſonments, Baniſhments, Purſuits, Perſecutions, Tortures, and rigorous Executions be conſidered, and the Parties Leſed be Redreſſed.

To which Demand of their Rights, and Redreſſing of their Grievances, they are particularly encouraged by his Majeſty the King of *England*, His Declaration for the Kingdom of *Scotland*, of the day of *October* laſt, as being the only means for obtaining a full Redreſs and Remedy therein.

Having therefore an entire Confidence, that His ſaid Majeſty, the King of *England*, will perfect the Deliverance, ſo far advanced by Him, and will ſtill preſerve them from the Violation of their Rights, which they have here aſſerted, and from all other Attempts upon their Religion, Laws and Liberties.

The ſaids Eſtates of the Kingdom of *Scotland*, Do reſolve that *WILLIAM* and *MARY*, King and Queen of *England*, *France* and *Ireland*, Be, and be declared King and Queen of *Scotland*, to hold the Crown and Royal Dignity of the ſaid Kingdom of *Scotland*, to them the ſaid King and Queen, during Their Lives, and the longeſt liver of Them, and that the ſole and full Exerciſe of the Regal Power, be only in, and exerciſed by Him the ſaid King, in the Names of the ſaid King and Queen, during Their joynt Lives; and after Their Deceaſe, the ſaid Crown and Royal Dignity of the ſaid Kingdom, to be to the Heirs of the Body of the ſaid Queen; which failing, to the Princeſs *Ann* of *Denmark*, and the Heirs of her Body; which alſo failing, to the Heirs of the Body of the ſaid *WILLIAM* King of *England*.

And they do pray the ſaid King and Queen of *England* to accept the ſame accordingly.

And that the Oath hereafter mentioned, be taken by all Proteſtants, of whom the Oath of Allegiance, and any other Oaths and Declarations might be required by Law, inſtead of them, and that the ſaid Oath of Allegiance, and other Oaths and Declarations may be abrogated.

I A. B. do ſincerely Promiſe and Swear, That I will be faithful, and bear true Allegiance to Their Majeſties King WILLIAM **and Queen** MARY. *So help me God.*

The

The OATH *to be administred to the King or Queen at their Acceptance of the Crown.*

April 18. 1689.

WE faithfully promise and swear by this our solemn Oath, in the presence of the eternal God, That during the whole course of our Life, We will serve the same eternal God, to the uttermost of our power, according as he has required in his most Holy Word, reveal'd and contain'd in the Old and New Testaments; and, according to the same Word, shall maintain the true Religion of Christ Jesus, the preaching of his Holy Word, and the due and right ministration of the Sacraments, now received and preached within the Realm of *Scotland*; and shall abolish and gainstand all false Religion contrary to the same; and shall rule the People committed to our Charge according to the Will and Command of God, revealed in his aforesaid Word, and according to the loveable Laws and Constitutions received in this Realm, no ways repugnant to the said Word of the Eternal God: And shall procure to the uttermost of our power, to the Kirk of God, and whole Christian People, true and perfect Peace, in all time coming: That we shall preserve and keep inviolated the Rights and Rents, with all just Priviledges of the Crown of *Scotland*; neither shall we transfer or alienate the same: That we shall forbid and repress, in all Estates and Degrees, Reif, Oppression, and all kind of Wrong; and we shall command and procure, that Justice and Equity in all Judgments, be kept to all persons without exception, as the Lord and Father of all Mercies shall be merciful to us: And we shall be careful to root out all Heretucks and Enemies to the true Worship of God, that shall be convict by the true Kirk of God, of the aforesaid Crimes, out of our Lands and Empire of *Scotland*. And We faithfully affirm the things above-written by our solemn Oath.

ACT for the Security of the Kingdom.

October 9. 1696.

THE Eſtates of Parliament conſidering, That when it ſhall pleaſe God to afflict theſe Nations, by the Death of our Sovereign Lord the King, (whom God of his infinite Mercy long preſerve) or by the Death of any of his Heirs or Succeſſors, this Kingdom may be ſubjected to many Calamities, by the Treacherous Plots of unnatural Country-Men, and Perſons Popiſhly affected at Home, or by the Invaſion of Strangers, before new Commiſſions Civil or Military can be granted, or a Parliament can be ſummoned, or called by the next Heir or Succeſſor to the Crown. For preventing thereof, His Majeſty with Advice and Conſent of the ſaid Eſtates, *Statutes and Ordains*, that no Commiſſion Civil or Military, or any Court whatſoever, ſhall ceaſe or become void by the Death of His preſent Majeſty, or any of His Heirs or Succeſſors, but that the ſame ſhall continue in full Force and Effect, for the ſpace of Six Months after the ſaid Death, unleſs in the mean time the ſame be ſtopp'd or recalled by next immediate Succeſſor, to whom the Imperial CROWN of this Kingdom ſhall deſcend, according to the Declaration of the Eſtates of this Kindom, dated the Eleventh Day of *April*, One thouſand ſix hundred eighty nine, containing the *Claim of Right*, and Settling the Succeſſion to the Crown: But prejudice always to ſuch Judges who have Right to their Offices heretably, or *ad vitam aut culpam*, to Enjoy and Exerce the ſame as before the making thereof. *And farder*, His Majeſty with Advice and Conſent aforeſaid, *Statutes*, *Enacts* and *Declares*, That this preſent Parliament, or any other Parliament that ſhall be hereafter Summoned, and Called by His Majeſty, His Heirs or Succeſſors, ſhall not be diſſolved by the Death of His Majeſty, His Heirs or Succeſſors, but the ſaid Parliament if aſſembled for the time, ſhall, and is hereby Ordained to continue, and is by vertue of this preſent Act Impowered and Required to Conveen, Sit and Act; notwithſtanding of the ſaid Death, and that during the time of Six Months, and no longer, unleſs the ſame be ſooner Adjourned or Diſſolved by the ſaid Perſon who ſhall be next Heir to the CROWN, according to the aforeſaid Declaration of the Eſtates. And if the ſaid Parliament ſhall be under Adjournment, the time of the ſaid Death, then it ſhall Meet and Sit at and upon the Day to which it is Adjourned, if the ſame ſhall fall within twenty Days after the Death foreſaid; or, if the Day to which it may be Adjourned, ſhall fall to be after the ſaid Twenty Days, then it ſhall Meet and Sit immediately after the elapſing of the ſaid Twenty Days, notwithſtanding of the foreſaid longer Adjournment, and ſo continue during the ſaid time of ſix Months, unleſs ſooner Adjourned or Diſſolved by the foreſaid next Heir, ſucceeding as ſaid is.

And it is farder *Statute* and *Ordained*, That in caſe there ſhall be no Parliament in being at the time of the Death of his Majeſty, or any of his Heirs or Succeſſors, then the laſt preceding Parliament ſhall after twenty Days after the ſaid Death immediately conveen and ſit at *Edinburgh*, and is hereby impowered and required to act as ſaid is, as if the Parliament had not been diſſolved, and that during the foreſaid time of ſix Months and no longer, unleſs the ſame ſhall be ſooner adjourned or diſſolved by the next Heir of the Crown, ſucceeding as ſaid is. *Providing*, Likeas it is hereby expreſly provided, That the ſaids Parliaments Conveening and Meeting by the Force of this Act, in the Event of the Death foreſaid, ſhall only have Power to Do and Act what ſhall be needful for the Defence of the true Proteſtant Religion, as now by Law eſtabliſhed, the maintaining of the Succeſſion of the *CROWN*, as ſettled by the ſaid *Claim of Right*, and for the preſerving and ſecuring of the Peace and Safety of the Kingdom, but no ways to alter or innovat the preſent Conſtitution of the Government, or any part thereof, or Laws ſtanding for the time, or to do any thing prejudical or contrary thereto. Likeas his Majeſty with Advice and Conſent foreſaid, does hereby Reſcind, Caſs, and make void all Laws, Statutes, Cuſtoms and Conſtitutions, in ſo far as the ſame are contair to, or inconſiſtent with this preſent Act, and no farder. *Declaring* always, That nothing contained in this Act ſhall extend, or be underſtood to extend to, alter, or any ways reſtrict the Prerogative of the King, his Heirs or Succeſſors, or his and their Power to call, adjourn or diſſolve Parliaments.

FINIS.

And this Order Shall and Ordained. That the
Parliament Meeting the time of the Death of
preceding Dissolution shall
of his Heirs or Successors, shall be last preceding
after twenty Days after the said Death immediately
Edinburgh, and is hereby required and
if the Parliament had not been dissolved, and the
time of the Months and no longer, unless the
journed or dissolved by the next Heir of the Crown,
is. Provided, Likeas it is hereby expressly provided
Meeting and Meeting by the Force of
of the Death for the Parliament to be
be needful for the Defence of the true Protestant
Law established, the maintaining of the Succession
levied by the said Claim of Rights, and for the preserving
of the Peace and Safety of the Kingdom, but not
poyar the prelent Constitution of the Government
or Laws hereby pledged or contrary
thereto. Likeas his Majesty with Advice and Consent,
hereby Repealed, Casts, and make void all Laws,
Constitutions, in so far as the Premiss
this prelent Act, and no further. Provided always,
tained in this Act extend, or be understood to
any/ways refrig the Prerogative of the King, his
or his and their Power to call, adjourn or dissolve Parliaments.

FINIS.